

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CITY OF SEATTLE,

Plaintiff,

v.

MONSANTO COMPANY, *et al.*,

Defendants.

Case No. 2:16-cv-00107-RAJ

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of the Honorable Michelle L. Peterson, United States Magistrate Judge, any objections thereto, the remaining record, hereby finds and ORDERS as follows:

(1) The Report and Recommendation is approved and adopted as follows: Plaintiff City of Seattle's "Motion to Strike Defendants' Amendments to their Affirmative Defenses 10, 15, 18, 21, and 82" (dkt. # 343) is **GRANTED** in part and **DENIED** in part. Plaintiff's Motion is **GRANTED** as to striking Defendants' amendments to affirmative defenses 15, 18, and 21. Plaintiff's Motion is **DENIED** with regard to striking Defendants' amendments to affirmative defenses 10 and 82. The Court amends the Report and Recommendation to permit until **February 6, 2023**, to conduct discovery regarding the meaning of the terms of the State Settlement Agreement, the intent of the parties to the State Settlement Agreement, the scope of any release authorized by the

1 State Settlement Agreement, and any other relevant surrounding circumstances.

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3 (2) Defendants' Motion to Stay Discovery (dkt. # 523) is **DENIED**.

4 (3) The Clerk is directed to send copies of this Order to the parties.

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6 DATED this 4th day of January, 2023.

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9 The Honorable Richard A. Jones  
10 United States District Judge  
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